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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,431	11/01/2006	David Ian Thompson	KILBU P-82 / 500728.20100	6966
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REED SMITH, LLP				
ATTN: PATENT RECORDS DEPARTMENT				
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NEW YORK, NY 10022-7650				
EXAMINER				
ESTREMSKY, GARY WAYNE				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
05/26/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/549,431

**Applicant(s)**

THOMPSON, DAVID IAN

**Examiner**

Gary Estremsky

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date herein.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informality: recitation of "the" should be deleted to correct redundancy in grammar.
2. Claims 20-25 are objected to because of the following informalities: the term "in situ" is not English, as required.
3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,523,482 to Ploch in view of U.S. Pat. No. 4,681,493 to Vollmer and U.S. Pat. No. 5,929,933 to Kramer.
3. Ploch '482 teaches Applicant's claim limitations including : an "elongate shank" – shank portion of bolt 46, a "head and a threaded portion" – as shown, a "cylindrical retainer member" – 4, "annular recess" – provided to accommodate ring 30, "expansible member" – 30. Although the reference does not disclose a "spring engaging said shank", examiner takes Official Notice that it's well known to provide a bolted connection with a

spring washer in order to maintain a tension on the assembly while providing some compliance. Furthermore, Vollmer '493 discloses a similar assembly to that of Ploch '482 and discloses that it's well known in the prior art to provide a spring element between the head of the bolt and the clamped work piece. Kramer '933 discloses a spring washer as generally well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fastener assembly of Ploch '482 with spring washer between the head of the bolt and the clamped workpiece in order to provide some tension and compliance in the assembly to maintain engagement. One of ordinary skill in the art would have more than reasonable expectation of success since the proposed combination would not otherwise affect function of the arrangement.

4. As regards claims 23-25, although Ploch '482 doesn't explicitly disclose using the fastener arrangement to fasten together two metallic components of an automotive engine, it would have been an obvious design choice or engineering expedient for one of ordinary skill in the art at the time of the invention to do so inasmuch as Ploch '482 explicitly discloses utility in use where threads have been stripped, a well known problem in the automotive arts.

5. As regards claim 18, Ploch '482 expansible member defines an acute-angled edge facing towards the head.

6. Claim 19 is are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,523,482 to Ploch in view of U.S. Pat. No. 4,681,493 to Vollmer and U.S. Pat. No. 5,929,933 to Kramer and further in view of U.S. Pat. No. 2,228,284 to Olson.

7. Although Ploch '482 doesn't disclose ribs on the bolt's shank for engaging with the washer, examiner takes Official Notice that it's well known in the art to retain a washer to a bolt using ribs on the shank of the bolt in order to retain pieces prior to assembly for example. Olson '284 discloses a washer retained to a bolt's shank using ribs on the shank. It is examiner's position that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the bolt of Ploch '482 with ribs in order to retain a washer thereon.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 571 272-7055. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gary Estremsky  
Primary Examiner  
Art Unit 3677

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